

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1181 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete lines 1 through 18.
- 3 Page 2, between lines 18 and 19, begin a new subparagraph and
- 4 insert:
- 5 "SECTION 1. IC 8-1-2-109 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 109. A public utility
- 7 that violates this chapter, or fails to perform any duty enjoined upon it,
- 8 for which a penalty is not otherwise provided, ~~commits a Class B~~
- 9 ~~infraction.~~
- 10 **is subject to a penalty of up to ten thousand dollars (\$10,000) for**
- 11 **each violation found by the commission. For purposes fo this**
- 12 **subsection, the commission may consider each day a violation**
- 13 **occurs to be a separate violation.**
- 14 **(b) The attorney general may bring an action in the name of**
- 15 **the state of Indiana to recover penalties imposed under this section**
- 16 **in accordance with the procedure set forth in section 115 of this**
- 17 **chapter."**
- 18 Page 2, line 19, delete "(e)" and insert "(c)".
- 19 Page 2, line 20, delete "or".
- 20 Page 2, delete lines 21 through 33.
- 21 Page 2, line 34, delete "(g)" and insert "(d)".
- 22 Page 2, line 40, delete "(h)" and insert "(e)".
- 23 Page 3, delete lines 35 through 42.
- 24 Page 4, delete lines 1 through 12.
- 25 Page 4, between lines 12 and 13, begin a new paragraph and
- 26 insert:
- 27 "SECTION 4. IC 8-1-2-115 IS AMENDED TO READ AS

1       FOLLOWS: Sec. 115. The commission shall inquire into any neglect  
2       or violation of the statutes of this state or the ordinances of any city or  
3       town by any public utility doing business therein, or by the officers,  
4       agents, or employees thereof, or by any person operating the plant of  
5       any public utility, and shall have the power, and it shall be its duty, to  
6       enforce the provisions of this chapter, as well as all other laws, relating  
7       to public utilities. Any forfeiture or penalty provided in this chapter  
8       shall be recovered and suit therein shall be brought in the name of the  
9       state of Indiana ~~in the circuit or superior court where the public utility~~  
10      ~~has its principal place of business:~~ **by the attorney general in a court**  
11      **that has jurisdiction.** Complaint for the collection of any such  
12      forfeiture may be made by the commission or any member thereof, and,  
13      when so made, the action so commenced shall be prosecuted by the  
14      ~~general counsel:~~ **attorney general.**

15               Page 4, line 31, delete "115. `1" and insert "115".

16               **Renumber all SECTIONS consecutively.**

(Reference is to HB1181 as printed February 12, 2001.)

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Representative LUTZ J